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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,583	12/15/2003	Hidetoshi Andou	2923-595	2600
6449	7590	12/02/2008		
ROTHWELL, FIGG, ERNST & MANBECK, P.C.			EXAMINER	
1425 K STREET, N.W.				ALLEN, MARIANNE P
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				1647
			NOTIFICATION DATE	DELIVERY MODE
			12/02/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10734583	12/15/2003	ANDOU ET AL.	2923-595

EXAMINER

Marianne P.. Allen

ART UNIT	PAPER
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1647 20081125

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**Commissioner for Patents**

An Advisory Action was mailed to applicant on 11/19/2008. This communication is being sent to further clarify the points made in the Advisory Action.

Applicant's arguments submitted 11/4/2008 included the statement:

"In view of the Office's position on the previous Declaration, Applicants chose to rely on the fact that the claimed invention and the two cited prior art references -Andou et al. and Hotten et al.-were owned by the same person at the time the claimed invention was made."

Applicant relies on this statement to disqualify the prior art to Hotten et al. (U.S. Patent No. 6,972,321) and Andou et al. (U.S. Patent No. 6,551,801). This statement does not provide a clear and conspicuous statement of common ownership as discussed in MPEP 706.02(l)(2). The statement does not clearly and conspicuously indicate that U.S. Patent No. 6,972,321 and U.S. Patent No. 6,551,801 as well as application 10/734,583 were, at the time the invention was made, owned by Company Z. Attached are the present PTO assignment records for both patents and the instant application. They do not establish that the two patents and the instant application were ever commonly owned, particularly at the time of the invention.

The prior art is not disqualified and the art rejection is maintained for reasons of record.

Attachment: 3 pages of assignment information for 10/743,583; U.S. Patent No. 6,972,321; and U.S. Patent No. 6,551,801.

/Marianne P. Allen/  
Primary Examiner, Art Unit 1647